

To: Salera, Jerry@DOC[Jerry.Salera@conservation.ca.gov]; R9-Deep[R9Deep@epa.gov]
Cc: Albright, David[Albright.David@epa.gov]; Robin, George[Robin.George@epa.gov]
From: Robin, George
Sent: Thur 9/5/2013 6:03:57 PM
Subject: RE: ("Returned To "Compliance"") (and Video Conf Fri. Sept. 6th 9-11am) EPA "Well to Compliance" Query

Hi Jerry,

Thank you for sharing your agency's interest and questions in these matters, especially any time, every time they come up!

In short, yes, an injection well that has failed its Mechanical Integrity should be repaired or P&A'd eventually. Also in short, Mechanical Integrity is the heart and soul of the UIC program. A few sites, please refer to 40 CFR Parts 144.51(h)(6)(ii); 144.51(q); 144.52(a)(6) to initiate any future dialogue between us in this regard as a basis for requirements such as this reporting measure that may not be specifically cited to address numerous situations that often require regulatory interpretation.

The oilfield's Class II program is the most mature of all the UIC programs and is populated by the most experienced and knowledgeable operators/regulators. That is what I also implied when I sent the response that is highlighted. It is ok when dealing with noted experts to allow for prudent business proceedings within the scope of a program that is equally mature and an authorized primacy program.

We brought up these new nationwide "Measures" – reporting requirements with the DOGGR years ago and exchanged much dialogue, much of which I will admit was frankly expressed..... The main message I gathered was that beside the EPA's reasoning, we found that the primacy state programs were on board with eventually meeting these Measures.

I am aware of the Ca DOGGR's "Idle Well Program" which as I remember is a progressive-status program that was established by Marty Mefford after his retirement as the State Supervisor. However, I am not aware that the DOGGR allows Class II wells to remain in an unrepaired state while in Idle Status. There is a problem (we can elaborate more) with an operator having a loss of Mechanical Integrity to simply apply for Idle Status for the duration of the progressive levels of time that are allowed before the well must be P&A'd. My

understanding over the years is that the Idle Well Program does not accommodate this kind of convenience, but rather helps in the difficult task of tracking of the responsibility of operators who must account for their wells which are kept idle for many valid reasons, but not to avoid keeping their wells in good condition.

Let me know if this helps, and certainly, we can go further into this issue.

George

From: Salera, Jerry@DOC [mailto:Jerry.Salera@conservation.ca.gov]
Sent: Wednesday, September 04, 2013 2:45 PM
To: Robin, George
Cc: Dermer, Michele; Albright, David
Subject: RE: (and Video Conf Fri. Sept. 6th 9-11am) EPA "Well to Compliance" Query

George,

I'd like to follow-up a clarification question on item 2 below, specifically on the highlighted portion. There seems to be an implied conclusion that the well should eventually be repaired or P&A'd? Is this a correct reading? In the oilfield, because there may be other injection options, the well may just be "shut-in" and let to sit idle indefinitely. Are there any regulations in EPA's books that requires such wells to be repaired or if not, plugged and abandoned? In the absence of such regulations, is there a necessary action needed to prove that the well is not an endangerment?

Thank you in advance for your insights.

Jerry

From: Robin, George [mailto:Robin.George@epa.gov]
Sent: Tuesday, September 03, 2013 10:15 AM
To: Salera, Jerry@DOC
Cc: Dermer, Michele; Robin, George; Albright, David; R9-Deep
Subject: (and Video Conf Fri. Sept. 6th 9-11am) EPA "Well to Compliance" Query

Hi Jerry, yes I am getting the set up for this **Friday, September 6th from 9:00 am to 11:00 am** from our Rm. 1214.

(1) I did not receive the confirmation for the Video Conference yet, but expect it to be forthcoming this morning. Earlier today, I talked with Terri Maldonado and she will be working with Vay Phung to coordinate all the connection numbers, technical specifics, etc. She agreed that we should use a separate laptop/computer for discussing and examining documents, etc. until they figure out how to do that kind of linking up.

(2) I do not know of any relevant regulations regarding "RETURNED TO COMPLIANCE." It should read/mean "REPAIRED THE WELL." True, plugging the well (P&A) can satisfy that too, provided that the P&A addresses/repairs the MIT failure. This confusion has been ongoing well before you came into your position. The specific reporting requirement is to differentiate which of those wells that failed MI were **returned to compliance (fixed) within 180 days** or not. Simply shutting-in the well is therefore, actually, "not satisfactory" in terms of this reporting. Of course, it actually is OK for conducting business when it is necessary and legitimate that a well is not able to be repaired within 180 days, however that is the trigger when documentation/explanations will be requested. We had one of those happen with us and I can tell you more how that all went. Thank you to your agency and districts in providing those tracking numbers. If there is a compelling need for further substantiation of this reporting requirement, please let me know.

George

George Robin (robin.george@epa.gov)

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From: Salera, Jerry@DOC [<mailto:Jerry.Salera@conservation.ca.gov>]

Sent: Tuesday, September 03, 2013 9:31 AM

To: Robin, George

Cc: Dermer, Michele

Subject: EPA "Well to Compliance" Query

Good morning George,

I've gotten a query from the district regarding the wells failing their MITs and for these to be returned to compliance under EPA regulations. My understanding is these can't be considered "returned to compliance" just by a shut-in but should either be P&A'd or remediated. I'm trying to find the relevant regulations to explain this - can you please point me to the correct section - thanks.

Also, I'll be available for a VC with you either Thursday or Friday AM to discuss current AE applications. Let me know what's suitable with you.

Jerry Salera

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